

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD FOSTER,

Plaintiff,

No. CIV S-03-1193 GEB JFM P

vs.

D. L. RUNNELS, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action. On December 2, 2005, plaintiff filed his statement regarding housing logs as required by this court's prior order.¹ Plaintiff has reviewed the documents provided and now contends that only the logs from C Facility Building 3 for the period of April 2002 through April 2003 are relevant to his claims herein. Plaintiff argues that the logs pertinent to his claims, C Facility Building 3 logs for the period of April 2002 through April 2003 were not included in the documents provided for his recent inspection, and seeks judgment of default or sanctions based on defendants' failure to include these housing logs in the documents provided to plaintiff for review.

Defendants respond that the 2002-2003 housing logs were made available to plaintiff for inspection in November 2004 in response to plaintiff's first request for production of documents and prior to his motion to compel. (December 9, 2005 Response at 3.) Defendants

¹ Plaintiff's request that the court disregard his October 20, 2005 statement regarding housing logs is granted.

1 maintain plaintiff did not review those records at that time, “but argued that he needed records
2 from other housing units and for additional time periods.” (*Id.*) Defendants state that the
3 documents provided for plaintiff’s recent inspection were additional documents the court ordered
4 plaintiff to review in connection with plaintiff’s motion to compel only those additional
5 documents. (December 9, 2005 Response.)

6 However, in the interest of resolving this dispute, defendants sent plaintiff a copy
7 of the housing logs for Facility C, Building C, for the time period from April, 2002 through April
8 2003 on December 9, 2005. Therefore, the court will order plaintiff to comply with this court’s
9 September 22, 2005 and October 12, 2005 orders so that this court may issue a revised
10 scheduling order. Plaintiff is cautioned that failure to comply with this order will result in a
11 recommendation that this action be dismissed. Plaintiff’s December 2, 2005 motion will be
12 denied.

13 IT IS HEREBY ORDERED that:

14 1. Plaintiff’s December 2, 2005 motion for default judgment or for sanctions is
15 denied;

16 2. No later than January 12, 2006, plaintiff shall file a document setting forth
17 which of the housing logs he believes are relevant to his case and explaining why he believes
18 each log is relevant. Plaintiff shall reference the housing log by page number.

19 3. Upon receipt of plaintiff’s filing concerning the housing logs, this court will
20 issue a revised scheduling order.

21 DATED: December 27, 2005.

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23 
24 UNITED STATES MAGISTRATE JUDGE

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